

**LOCAL HUMAN RIGHTS COMMITTEE**

**April 28, 2006 Meeting Minutes**

The Local Human Rights Committee met at Valley CSB Offices, 85 Sanger's Lane, Staunton, Virginia

**Members Present**

Michael Gieseke-Smith, Chair  
Virginia Kivlighan, Vice Chair

Chuck Collins, Regional Advocate  
Mark Seymour, Children's Advocate

**VCSB Representative**

Nancy Curry

**Visitor**

Mr. & Mrs. D. Boitnott

**Absent**

Marita Derrick  
Nixsa Swinson  
Tammy Johnston

**Reporting Affiliates**

\* Presbyterian Homes & Family Services  
Presenter: Debbie Jill Keller & Steve Ramey  
\* AMC Crossroads  
Presenter(s): Lois Hartman & Donna Hahn

**I. CALL TO ORDER**

Without a Quorum present – Chair, Michael Gieseke-Smith called the April 28, 2006 Local Human Rights Committee to order. (Today's Meeting had been scheduled for May 5, 2006)

**II. PUBLIC COMMENT**

Chair, Michael Gieseke-Smith called for Public Comment. Mr. Chuck Collins invited visitor, Mr. Dean Boitnott to address the Committee members.

Mr. Boitnott stated he was here on behalf of, not only himself, but other disabled individuals, who may face a similar situation. He voiced his concern regarding the lack of services he received at Valley Community Services Board for admittance of his service animal to the Shenandoah Clubhouse. He stated that he spoke with Ms. Craun in January of 2005, at his intake appointment making it clear that he had a service animal, and was not informed at this meeting that he would not be allowed to take his service animal into the clubhouse. (His service animal is a large dog, named Jasper). However, when meeting with Mr. Sponaugle at the clubhouse for an orientation, he was informed that he was not allowed to take the dog inside because only self-ambulatory individuals are allowed in the clubhouse and other consumers were frightened by the dog. In an attempt to have this issue resolved, Mr. Boitnott met with Mrs. Craun, and reiterated what he was told by Mr. Sponaugle.

Mr. Michael Gieseke-Smith stated that this is a violation of Federal Law 503, which states that any agency receiving Federal funding is not allowed to bar someone with a disability from participating in services. When Mr. Collins asked Mr. Boitnott if he had documentation stating the need for Jasper; Mr. Boitnott, replied that he did and was able to provide that documentation for the members.

Mr. Collins reported that he had spoken with Mr. Sponaugle on Mr. Boitnott's behalf because of this issue -- 'access to services'. This comes under the Human Rights Regulations under SERVICES, on page 12. It specifically states that individuals will receive services according to the law and sound therapeutic practice. Mr. Collins added that he invited Mr. Boitnott to attend this meeting; requesting that he bring his service animal (Jasper) in order for members attending to see the docility of Jasper. (after being told that other clients at the clubhouse were frightened of Jasper). Mr. Collins commented that the action of barring Mr. Boitnott's

animal, when it is clearly documented that having Jasper with him is necessary for Mr. Boitnott's safety. VCSBs actions not only affect Mr. Boitnott, but will affect any similarly situated client. Mr. Collins asked the committee to take this issue under advisement.

Mr. Collins asked Mr. Boitnott what action the committee and VCSB should take. Mr. Boitnott replied that he would like to reestablish services with VCSB and have Jasper allowed in the Clubhouse. At this point the committee needs to discuss the situation with Ms. Curry and the committee would then have the ability to render an advisory opinion – because Mr. Boitnott is attending today's meeting and attending under the Human Rights Regulations which allows the committee to review any policy or procedure or practice of a provider, and Mr. Boitnott is pointing specifically to the practice of not allowing admittance of service animals to people who may be in the same situation. Mr. Collins informed Mr. Boitnott that the committee will review, make advisory opinion and recommendation regarding this issue. He also stated that another avenue Mr. Boitnott can pursue, is to make a formal complaint, and at that point, Mr. Collins will assist Mr. Boitnott with this process. Mr. Boitnott. stated that at this time he would like to keep this at the informal level and try to resolve this issue with Valley Community Services Board.

Ms. Curry, representing Valley Community Services Board, (recently returning after surgery and recuperation) reported that she did believe that the issue was resolved when Mr. Sponaugle offered to build a doghouse to accommodate the service animal. Mr. Collins replied that this is a legal issue in that Mr. Boitnott has the documentation stating his need for the animal, also Mr. Boitnott is in need of the services and the Committee and VCSB should see that he gets them.

### **III. Appointment of LAR:**

Mr. Collins reported that Ms. Stephanie Bortner has a Next Friend appointment, however with the change in meeting dates, the individual (K.L.) was not able to attend today. Mr. Collins commented that if there is a need to conduct a Special Meeting of the Committee in order to have this appointment accomplished, than LHRC will do so. If this appointment can wait, we will invite K.L. and Ms. Bortner to the July 7<sup>th</sup> meeting.

#### **Action:**

Lynn Litten will follow-up with Ms. Bortner to see whether LHRC needs to conduct a special meeting or wait until the July 7<sup>th</sup> date.

\*note – Lynn checked with Ms. Bortner following this meeting and she has agreed to wait until July 7<sup>th</sup> for the Next Friend appointment.

### **IV. AFFILIATE PRESENTATIONS:**

#### **Presbyterian Homes & Family Services**

Mr. Steve Ramey of Presbyterian Homes & Family Services presented information as it relates to the criteria outlined by the Committee:

- (1) Staff is trained annually in Human Rights by a Program Case Manager.
- (2) Mr. Ramey provided a hand-out which notifies residents of their human rights – part of the human rights notification are "Rules to Live By" which after this is discussed with the resident, they may sign.(Attachment #3)
- (3) Complaints – No complaints in the calendar year 2005 and none to-date in calendar year 2006
- (4) Complaints are handled through Adult Group Home Resolution Procedures (Attachment #4)
- (5) No citations from DMH licensure
- (6) Staff Qualifications – Related Bachelor's degree and 2 years of experience for program manager and for assistant program manager –degree and 1 year of experience. Resident Assistant and Relief staff a high school diploma/GED and 1 year of experience. Criminal, motor vehicle, health requirements are checked prior to begin working.
- (7) A culture of human rights is established through Human Rights Training - written exams – A Standards to Live By, Resident Rights Summary and displacing the Human Rights Posters.

Mr. Ramey presented to the committee for approval the revised *Adult Homes Standards to Live By*. Due lack of a quorum, the committee could not vote at this time. This information will be presented at the July 7<sup>th</sup> meeting for review and approval.

**AMC Crossroads:**

Lois Hartman presented (with handout report) on AMC Crossroads addressing the areas of criteria established by the committee.

- (1) RN coordinates training of new employees, attend human rights training, and each patient room displays Human Rights poster.
- (2) Patients Satisfaction Survey asks – did staff give you information about your rights?
- (3) 10 Complaints in 2005
- (4) Clinical Coordinator or designee, discusses concern w/complainant. If abuse allegation, is always treated as Formal Complaint.
- (5) No Citations received from DMHMRSAS licensure
- (6) RNs, LPNs, MHWs must hold AA degree or 2 years experience, CTRS, Licensed Therapists, BSW, CSAC – assure competence of staff through orientation & competency evaluations – conducted annually.
- (7) AMC expects staff to treat all patients with respect and dignity.

Mr. Collins complimented Ms. Hartman on the way AMC handles their Human Rights issues.

**V. Approval of Minutes:**

Tabled until quorum present

**VI. Agency Update: (presented by Nancy Curry for J. Thomas)**

Ms. Nancy Curry reported on the following:

- a. Checklist Handout -- there are currently 40 individuals in foster placement and the updated/revised checklist has increased the number of items, especially in the area of environment, to be aware of and addressed. Additionally, the checklist provides a more thorough documentation process. Mr. Collins added that these items are what licensing specialist will be looking at during site visits.
- b. VCSB has begun remodeling an SA house in Waynesboro for women using VCSB services. Completion is expected by mid-summer.
- c. The offer made on a house in Waynesboro has been accepted and will supply transitional housing for individuals leaving Western State.
- d. An offer has also been made on a house in Staunton for this same purpose.
- e. System Transformational Funding will be available soon and VCSB will be looking at *possibly* starting an ALF and a Crisis Stabilization Unit — allocation has not begun and these plans are contingent upon funds received.
- f. VCSB is being considered to be part of the Full-Diversion Project -- this means VCSB will be working with other facilities to try and divert fully from Western State Hospital to these facilities. A few CSBs are currently piloting this project.

**LHRC Seminar**

Mr. Collins informed the Committee of the LHRC Seminar which will be held in Richmond, Virginia on September 7 and 8. Due to lack of space, LHRC members are given first priority followed by the Committee liaison. The Office of Human Rights is hosting this conference and requested LHRC members and liaisons return the Survey (handout) listing topics they would like have discussed.

**VII. CASE UPDATES:**

Mr. Collins reported on the number of cases for April that he has been involved in either formally or informally:

VCSB: 4 Complaints

AMC: 1 Complaint

**VII. OLD/NEW BUSINESS****Old Business:**

The revision of the current Blue Book (Regulations) has not been completed due to timeframe and recent changes in administration. However, the current administration is interested in addressing the Regulations - primarily focusing on the areas of Informed Consent, and Legally Authorized Representative (language will change). Mr. Hall stated that the proposed regulations are posted to the website, and once finalized, the website will be updated.

**New Business:**

Mr. Collins is conducting a Train the Trainer Workshop. Possible dates are Friday, June 2<sup>nd</sup> or Wednesday, June 7<sup>th</sup>.

**Action:**

Lynn Litten will notify affiliates and members of date and location.

**Mr. Gieseke-Smith asked for Comments from Committee Members**

Ms. Kivlighan asked where we stand on interviewing new committee members. Mr. Collins stated that applicants were unable to attend today's meeting. Lynn Litten will contact the applicants and invite them to the July 7<sup>th</sup> meeting, as well as place an advertisement in the local newspapers requesting volunteers.

**ADJOURNMENT**

With no further business to conduct the April 28<sup>th</sup>, 2006 meeting of the Local Human Rights Committee was adjourned. Next meeting scheduled for Friday, July 7<sup>th</sup>. DePaul Family Services and Community Living Services are the presenters.

Respectfully Submitted,

Lynn E. Litten  
Administrative Assistant